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Press Release

FOR IMMEDIATE RELEASE

July 15, 2009

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Attorney General McGraw Settles Unfair Marketing Charges Against Merck & Co., Inc., and Others Regarding Vytorin®

Attorney General Darrell McGraw today announced a settlement with Merck & Co., Inc., Schering-Plough Corporation and the companies' joint venture. The settlement requires the companies to obtain preapproval from the Federal Food and Drug Administration before advertising directly to consumers. The companies will also pay West Virginia and 34 other states \$5.4 million to reimburse them for their investigative costs.

The settlement resolves an investigation into the companies' lengthy delay in releasing negative test results regarding their drug Vytorin® (a combination of the drug Zetia® and simvastatin). In heavy marketing to consumers, the companies claimed that Vytorin® was more effective than the cheap, generically available cholesterol lowering drug simvastatin. The study showed that Vytorin® was no more effective in reducing formation of plaque in carotid arteries than simvastatin by itself.

"Full disclosure is the cornerstone of consumer protection laws," said Attorney General McGraw. "Merck & Schering-Plough's agreement to register their clinical trials and post their results will allow consumers, and their doctors, to make informed decisions about their health."

In addition to getting their advertisements preapproved by the FDA, the companies have also agreed to comply with FDA suggestions to modify drug advertising; reduce conflicts of interest in clinical trials; comply with detailed rules prohibiting the deceptive use of clinical trials and will no longer "ghost" write articles for others.

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